

October 31, 1979

Re: Case No. 64-00

Commander Holt
Third Coast Guard District (mep)
Governors Island, New York 10004

Dear Commander Holt:

Enclosed is the report of investigation by John R. Burger of Ecology and Environment, Inc. dated October 3, 1979, concerning an oil discharge on October 1, 1979 at the Diamond Head Oil Refining Company, 1401 Harrison Turnpike, Kearny, New Jersey 07032. Ecology and Environment is under contract to EPA for spill-related activities. The discharge caused a sheen on the waters of the United States. This discharge proceeds, by way of a marshland, to Frank's Creek. This is a tributary to the Passaic River which flows to Newark Bay which flows to New York Harbor and, thence, to the Atlantic Ocean.

Also attached are the following letters and reports which provide additional background information to this spill:

1. U. S. Environmental Protection Agency Legal Notice to Robert Mahler, Diamond Head Oil and Refining Company, lessee of facility.
2. U. S. Environmental Protection Agency Legal Notice to John Brown, Newtown Refining, owner of facility.
3. Letter dated October 24, 1979, from H. Polito, USEPA, to D. Martin, counsel for Newtown Refining.
4. Letter dated October 29, 1979, from F. Rubel, USEPA, to R. Mahler, lessee of facility.
5. Memorandum for Record, by J. Burger, Ecology and Environment, to H. Polito, USEPA, dated October 22, 1979.
6. Report dated October 3, 1979, from J. Burger, Ecology and Environment, to H. Polito, USEPA.
7. Memorandum dated June 25, 1976, from H. Polito, USEPA, to Richard Baker, USEPA.



8. Memorandum dated July 2, 1976, from A. Gervirtz, USEPA, to M. Polito, USEPA.
9. Memorandum dated August 2, 1976, from A. Gervirtz, USEPA, to M. Polito, USEPA.
10. Memorandum dated August 16, 1979, from M. Polito, USEPA, to F. Rubel, USEPA.
11. Memorandum dated July 2, 1976, from C. Price, USEPA, to M. Gluckstern, Attorney, USEPA.

It is recommended that action be taken to assess civil penalties against either Newtown Refining or Diamond Head Refining Company or both under the provisions of Section 311(b)(6) of the Clean Water Act Amendments of 1976.

If you have any questions concerning this referral, please contact Mr. Michael V. Polito at (201) 321-6652, who also responded to the spill and is monitoring operations at this site.

Sincerely yours,

Fred H. Rubel
Chief, Emergency Response & Hazardous
Materials Inspection Branch

Enclosures